



Citation: *MC v Minister of Employment and Social Development*, 2025 SST 632

Social Security Tribunal of Canada Appeal Division

Leave to Appeal Decision

Applicant: M. C.

Respondent: Minister of Employment and Social Development

Decision under appeal: General Division decision dated May 21, 2025
(GP-25-405)

Tribunal member: Kate Sellar

Decision date: **June 18, 2025**

File number: AD-25-380

Decision

[1] I'm refusing to give the Claimant (M. C.) leave (permission) to appeal. The appeal will not proceed. These are the reasons for my decision.

Overview

[2] The Claimant was violently injured in 1999 and again in 2000. Since then, he has limitations from post-traumatic stress disorder (PTSD), anxiety, depression, and chronic pain. He hasn't been able to work since his injuries.

[3] The Claimant applied for a Canada Pension Plan (CPP) disability pension in November 2024. The Minister of Employment and Social Development (Minister) refused his application initially and in a reconsideration letter. He appealed to this Tribunal. The General Division dismissed the appeal.

[4] The General Division found that the Claimant wasn't eligible for a disability pension because he didn't have enough valid contributions to the CPP.

Issues

[5] The issues in this appeal are:

- a) Is there an arguable case that the General Division failed to provide the Claimant with a fair process at the hearing?
- b) Is there an arguable case that the General Division made an error of fact that would justify giving the Claimant permission to appeal?
- c) Does the application set out evidence that wasn't presented to the General Division?

I'm not giving the Claimant permission to appeal

[6] I can give the Claimant permission to appeal if the application raises an arguable case that the General Division:

- didn't follow a fair process;
- acted beyond its powers or refused to exercise those powers;
- made an error of law;
- made an error of fact; or
- made an error applying the law to the facts.¹

[7] I can also give the Claimant permission to appeal if the application sets out evidence that wasn't presented to the General Division.²

[8] Since the Claimant hasn't raised an arguable case and hasn't set out new evidence, I must refuse permission to appeal.

There's no arguable case that the General Division failed to provide the Claimant with a fair process.

[9] The Claimant argues that the General Division failed to provide him with a fair process. He says that his appeal was dismissed too quickly, and that the hearing ended in a way that made it difficult for him to fully present his case.³

– Fairness in the Tribunal context

[10] What fairness requires will vary depending on the circumstances.⁴ At the heart of the question about fairness is whether, considering all the circumstances, the people impacted by the process had a meaningful opportunity to present their case fully and fairly.

¹ See section 58.1(a) and (b) in the *Department of Employment and Social Development Act* (Act).

² See section 58.1(c) in the Act.

³ See AD1-6.

⁴ See *Baker v Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC).

[11] Part of the duty to act fairly is allowing people the right to be heard. The right to be heard is also about giving people the chance to make arguments on every fact or factor likely to affect the decision.⁵

– **There isn't sufficient evidence to support an argument that the General Division hearing was unfair to the Claimant.**

[12] I listened to the General Division hearing. I didn't hear anything that would support an argument that the General Division failed to provide the Claimant with a fair process.

[13] The Claimant is correct that the hearing was brief. At the hearing, the General Division member explained simply but fully what rules a claimant needs to meet in order to be eligible for a disability pension.

[14] The General Division member explained that the Claimant had to have contributions in at least four years in a six-year period. The General Division explained that the reasons why the Claimant didn't have contributions won't change the fact that he has to meet that requirement.

[15] The Claimant said that he didn't have a fair chance to apply, and that if he had applied earlier, he may have been eligible. However, the General Division explained that the Claimant only had three years of valid contributions total, so applying earlier wouldn't have changed the result.

[16] The General Division was clear that it had to apply the contribution rules and could not skip over those requirements for compassionate reasons. The General Division member said that she understood and respected that the Claimant had relied on provincial income support for people with disabilities and that he tried his best but had a lot to deal with. The Claimant agreed that they had covered everything before the hearing ended.

⁵ The Federal Court explains this in a case called *Kouama v Canada (Minister of Citizenship and Immigration)*, 1998 CanLII 9008 (FC).

[17] There's no arguable case that the General Division failed to provide the Claimant with a fair process. The issue at the hearing was the Claimant's contributions. There's nothing in the recording of the hearing to suggest that the General Division denied him the chance to make his arguments about that issue.

There's no arguable case that the General Division made an error of fact by ignoring important evidence.

[18] The Claimant argues that the General Division made an error of fact by ignoring important evidence about his medical history, long-term disability, and his personal circumstances.⁶

– Ignoring evidence can result in a possible error of fact.

[19] The General Division is presumed to have considered all the evidence, even if it doesn't discuss all the evidence in the decision. The Claimant can overcome that presumption by showing that the evidence was important enough that the General Division needed to discuss it.⁷

– The General Division decision focuses on whether the Claimant made sufficient contributions to the CPP.

[20] The General Division explained that the Claimant cannot qualify for a disability pension unless he has enough contributions to the CPP so that he has a coverage period.⁸

[21] The General Division found that the Claimant didn't have enough contributions required by the CPP.⁹ He had three years of contributions that were high enough for the CPP to accept (that's called a valid contribution). He needed four years of valid contributions in any six-year period.

⁶ See AD1-6.

⁷ See *Lee Villeneuve v Canada Attorney General*, 2013 FC 498.

⁸ See paragraphs 8 to 10 in the General Division decision. The Claimant needed valid contributions for at least four years in a six-year period. See section 44(a)(i) and 44(1)(b)(ii) in the CPP.

⁹ See paragraph 11 in the General Division decision.

– **The Claimant hasn't raised an arguable case for an error of fact.**

[22] Since the Claimant couldn't show that he met the contribution requirements, there was no reason for the General Division to go on to consider the Claimant's medical evidence and evidence about his disability and personal circumstances.

[23] Those facts are relevant when the General Division is deciding whether a Claimant can show that the disability is severe and prolonged within the coverage period. To have a coverage period, a person needs to make enough contributions to the CPP. Without a coverage period, there can be no evidence about disability that will assist a person to qualify for the disability pension.

There's no new evidence.

[24] The Claimant hasn't provided any evidence that wasn't already presented to the General Division. Accordingly, new evidence also cannot form the basis for permission to appeal.

[25] I've reviewed the record.¹⁰ I'm satisfied that the General Division didn't overlook or misunderstand any important evidence that could change the outcome for the Claimant.

[26] I understand why the Claimant needs a disability pension. He has medical conditions that impact his ability to work. However, the CPP is different from other income supports in the sense that it's a disability **pension**. To qualify for a disability pension, a person has to have contributed enough to the Plan back when they were able to work.

¹⁰ For more on this kind of review by the Appeal Division, see *Karadeolian v Canada (Attorney General)*, 2016 FC 615.

Conclusion

[27] I'm refusing to give the Claimant permission to appeal. This means that the appeal will not proceed.

Kate Sellar
Member, Appeal Division